

### REMARKS

Claims 1-69 and 75-82 are pending, with claims 1, 34, and 75 being independent. Claims 1, 3-7, 11, 13, 15, 16, 23, 34-69 have been amended. Claims 70-74 have been cancelled. Claims 75-82 have been added. In view of the foregoing amendments and the remarks that follow, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Applicant would like to thank Examiner Edelman for the telephonic interview conducted with the Applicant's representative, Kevin Greene, on April 21, 2005. During the interview, the rejections under 35 U.S.C. 101 and 102 were discussed, as described further below.

#### Rejections Under 35 U.S.C. 101

Claims 34-74 stand rejected as being directed to non-statutory subject matter. Applicant submits that the cancellation of claims 70-74 obviate this rejection of those claims.

With respect to claim 34-69, during the interview, the Examiner indicated that these claims are directed to non-statutory subject matter because they cover implementations in which the computer readable medium is an intangible medium, and implementations in which the propagated signal propagates on an intangible medium. Applicant disagrees with this assertion; however, to expedite prosecution, Applicant has amended claims 34-69 to recite a tangible computer readable medium, which the Examiner indicated would be sufficient to overcome the rejection under 35 U.S.C. 101. Accordingly, Applicant requests that these rejections be withdrawn.

#### Rejections Under 35 U.S.C. 102 & 103

Claims 1-7, 10-17, 19, 20, 22-25, 31-40, 45-53, 55, 56, 58-61, and 68-72 stand rejected as anticipated by U.S. Patent No. 6,052,709 (Paul), which describes determining that an e-mail is likely junk e-mail and marking the e-mail as "JUNK."

During the interview, the Examiner expressed his belief that the language "changing the electronic data to reflect information identifying the sender" includes items such as marking an e-mail as JUNK, which indicates a category of the e-mail or sender. Applicant presented the

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language currently used in claims 1, 34 and 75 to clarify that the electronic data is changed to include a sender identifier (claims 1 and 34) or changed to identify the sender (claim 75), not a category of the electronic data or sender. While no agreement was reached, the Examiner indicated that the proposed language is likely to overcome the 35 U.S.C. 102 rejection based on Paul.

Claims 8, 9, 18, 21, 41-44, 54, and 57 stand rejected as obvious over Paul in view of U.S. Patent No. 6,212,184 (Venkatachary). Claims 26-30 and 627-67 stand rejected as obvious over Paul in view of U.S. Patent No. 6,654,787 (Aronson). Applicant submits that Venkatachary and Aronson, however, do not remedy the above described deficiencies of Paul.

Accordingly, Applicant submits that claims 1, 34, and 75, and those claims that depend from them are allowable over Paul, Venkatachary, and Aronson.

Enclosed is a \$450.00 check for excess claim fees, Petition for Extension of Time fee and surcharge fee for late submission of Information Disclosure Statement. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

5/10/05



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